

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 2:00CR7-12
(STAMP)

KEVIN A. RIDEOUT,

Defendant.

MEMORANDUM OPINION AND ORDER
DENYING MOTION TO RECONSIDER ORDER OF DENIAL
OR, ALTERNATIVELY, MOTION TO RECONSIDER

I. Background

On May 11, 2001, the pro se¹ defendant was found guilty by a jury in the Northern District of West Virginia for one count of cocaine conspiracy in violation of 21 U.S.C. § 846, and three counts of aiding and abetting in the distribution of crack cocaine in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. The defendant was sentenced to 262 months of incarceration for the cocaine conspiracy count and 240 months of incarceration for the three counts of aiding and abetting in the distribution of crack cocaine, to run concurrently.

On July 6, 2010, this Court entered an order granting in part and denying in part the defendant's motion for an order to disclose transcripts and tangible documents. Currently before this Court is the defendant's motion to reconsider that order of denial or,

¹"Pro se" describes a person who represents himself in a court proceeding without the assistance of a lawyer. Black's Law Dictionary 1341 (9th ed. 2009).

alternatively, motion to reconsider. No response was filed. For the reasons set forth below, this Court denies the defendant's motion to reconsider order of denial or, alternatively, motion to reconsider.

II. Discussion

"[T]he Federal Rules of Criminal Procedure do not specifically provide for motions for reconsideration and prescribe the time in which they must be filed." Nilson Van & Storage Co. v. Marsh, 755 F.2d 362, 364 (4th Cir. 1985). However, a motion for rehearing or reconsideration in a criminal case extends the time for filing a notice of appeal if the motion is filed before the order sought to be reconsidered becomes final. See United States v. Ibarra, 502 U.S. 1, 4 n.2 (1991).

The defendant requests that this Court provide him specific documents that were denied to him by this Court's July 6, 2010 order. Upon review of the defendant's arguments, this Court finds no cause to reconsider its original order. This Court has not misapprehended the defendant's position or misinterpreted the applicable law in this case. Further, the defendant has not presented any new evidence to persuade this Court to alter its decision. Thus, the defendant's motion must be denied.

III. Conclusion

For the reasons set forth above, the defendant's motion to reconsider order of denial or, alternatively, motion to reconsider is DENIED.

Should the defendant choose to appeal the judgment of this Court to the United States Court of Appeals for the Fourth Circuit, to the extent that this matter is appealable, he is ADVISED that he must file a notice of appeal with the Clerk of this Court within ten days after the date that the order in this case is entered. See Fed. R. App. P. 4(b)(1).

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the pro se defendant by certified mail and to counsel of record herein.

DATED: August 16, 2010

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE